



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT PLANNING AND DEVELOPMENT**

Application Number: 2505111
Applicant Name: Melissa Everson for Ben Hankins
Address of Proposal: 4208 Leary Way NW

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 2072.2 square feet and B) 1341.8 square feet. The existing structure located on the parent property is to remain located on parcel A. There are no related building permits to this subdivision at the time of this decision.

The following approval is required:

- **Short Subdivision** - to subdivide one existing parcel into two parcels.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

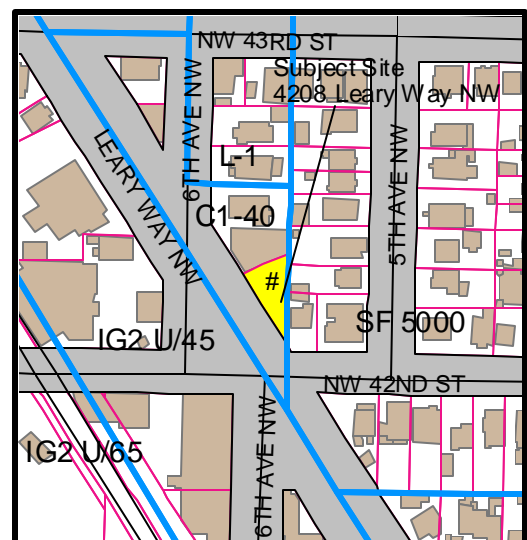
☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

The approximately 3,339 square foot rectangular shaped site is located in a Commercial One (C1-40) Zone with a forty foot height limit in the northwest Seattle area. The parcels to be subdivided are located along Leary Way NW between 5th and 6th Avenues NW. Both proposed parcels will have street frontage on Leary Way NW. Both proposed parcels will have pedestrian access to Leary Way NW. A single family residence currently exists and is to



remain on proposed parcel A. Currently there is no vehicle access to the site.

The neighboring two properties to the north are also zoned C1-40, with properties further north zoned residential, Lowrise One (L1). The properties abutting the parent property to the east are zoned SF-5000. Properties to the south and west are zoned General Industrial. Development in the area consists of a variety of single-family houses, some multifamily structures and industrial uses all consistent with the zoning.

Proposal

The proposal is to subdivide one parcel of land into two parcels. Proposed lot areas are indicated in the summary above. Proposed parcels A and B will have pedestrian access to Leary Ave NW. Currently there is no vehicle access or related parking for Parcel A. Any future building permits for proposed Parcel B will be reviewed for code compliance with all city codes upon submittal.

The subject of this analysis and decision is only the proposed division of land. There is no minimum lot size requirement in commercial zones.

Public Comment

During the public comment period which ended September 31, 2005. DPD received two written comments and a couple of phone calls from neighbors about the proposed subdivision. The comments were related to allowable development on the property, setback requirements, the site's proximity to residences, and an unattended alarm on the property. The letters are located in the project file.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments or approvals from the Zoning Plans Examiner (DPD), Drainage Section (DPD), Ordinance and Structural Reviewer (DPD), the Fire Department, Seattle Public Utilities (Water Department), Seattle City Light and review by the Land Use Planner (DPD), the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned Commercial One with a 40 foot height limit (C1-40). The lots to be created by this short subdivision will meet all minimum and are consistent with applicable development standards. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards as reviewed by the zoning plans examiner and appropriately conditioned below. The required open space is required to be clearly delineated, dimensioned and its sq. ft. called out on the final plat.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed parcels A and B will have direct pedestrian access to and from Leary Way NW. As stated the parent site is absent of parking or a driveway, so no parking is associated with the existing structure located on proposed parcel A. Parking and access, if required, will be reviewed upon permit submittal for proposed parcel B. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat and no easement is required. This short plat will provide for adequate, utilities, and fire protection. If required, access for vehicles will meet requirements upon submittal and review of subsequent permits.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on August 4th 2005 (WAC ID No. 20051369). As reviewed by the grading and drainage plans examiner, the plat is adequate for drainage and sanitary disposal.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed subdivision is consistent with the C1-40 zone and Seattle Land Use Code provisions. The proposed subdivision was given preliminary approval from all City of Seattle review locations and a result meets the public use and interest.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site. As a result this criterion is met.

6. *Is designed to maximize the retention of existing trees;*

There is one (1) tree (16" Cherry) located on proposed parcel B. The subdivision could not be designed or changed in a way that would retain the tree. The Cherry tree is located in the center of the site and would be removed as part of subsequent permit submittals. Thus, the proposal has been designed to maximize the retention of existing trees on the property.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This Short Subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

This Short Subdivision is not a multiple single-family dwelling unit subdivision. Thus, this section is not applicable to this short plat proposal.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording Non-Appealable

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.

3. The required open space must be clearly delineated, dimensioned and its square footage called out on the final plat.

Prior to Construction Applications

4. A copy of this short subdivision shall be attached to all subsequent building permit applications or revisions.

Signature: (signature on file) Date: December 19, 2005
Lucas DeHerrera, Land Use Planner
Department of Planning and Development

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